

Revised 03/06 WDNV

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

FORM TO BE USED IN FILING A COMPLAINT  
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. § 1983  
(Prisoner Complaint Form)

13CV0782

All material filed in this Court is now available via the INTERNET. See Pro Se Privacy Notice for further information.

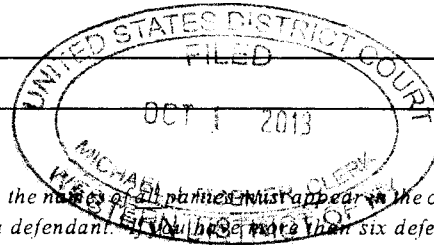
**1. CAPTION OF ACTION**

**A. Full Name And Prisoner Number of Plaintiff:** NOTE: *If more than one plaintiff files this action and seeks in forma pauperis status, each plaintiff must submit an in forma pauperis application and a signed Authorization or the only plaintiff to be considered will be the plaintiff who filed an application and Authorization.*

1. LOUISE K. NOLLEY #3565

2. \_\_\_\_\_

-VS-



**B. Full Name(s) of Defendant(s)** NOTE: *Pursuant to Fed.R.Civ.P. 10(a), the names of all parties must appear in the caption. The court may not consider a claim against anyone not identified in this section as a defendant. If you have more than six defendants, you may continue this section on another sheet of paper if you indicate below that you have done so.*

1. The County Of Erie

4. Daniel Durenea

2. The City of Buffalo

5. Byron Brown

3. Frank Sedita

6. Jimmie Larkin III

see attachment

**2. STATEMENT OF JURISDICTION**

This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over the action pursuant to 28 U.S.C. §§ 1331, 1343(3) and (4), and 2201.

**3. PARTIES TO THIS ACTION**

**PLAINTIFF'S INFORMATION** NOTE: *To list additional plaintiffs, use this format on another sheet of paper.*

Name and Prisoner Number of Plaintiff: LOUISE K. NOLLEY # 3565

Present Place of Confinement & Address: ERIE COUNTY HOLING CENTER , 40 DELAWARE Avenue  
BUFFALO, NEW YORK, 14202

Name and Prisoner Number of Plaintiff: \_\_\_\_\_

Present Place of Confinement & Address: \_\_\_\_\_

**DEFENDANT'S INFORMATION** NOTE: *To provide information about more defendants than there is room for here, use this format on another sheet of paper.*

Name of Defendant: **The County of Erie**

(If applicable) Official Position of Defendant: \_\_\_\_\_

(If applicable) Defendant is Sued in **x** Individual and/or **x** Official Capacity

Address of Defendant: **10 Delaware Avenue, Buffalo New York , 14202**

Name of Defendant: **The City Of Buffalo**

(If applicable) Official Position of Defendant: \_\_\_\_\_

(If applicable) Defendant is Sued in **x** Individual and/or **x** Official Capacity

Address of Defendant: **City Hall**

Name of Defendant: **Danile Durenea**

(If applicable) Official Position of Defendant: **Commisioner of Buffalo Police**

(If applicable) Defendant is Sued in **x** Individual and/or **x** Official Capacity

Address of Defendant: **74 Franklin Avenue, Buffalo, New York 14202**

#### **4. PREVIOUS LAWSUITS IN STATE AND FEDERAL COURT**

- A. Have you begun any other lawsuits in state or federal court dealing with the same facts involved in this action?  
Yes **x** No \_\_\_\_\_

If Yes, complete the next section. NOTE: *If you have brought more than one lawsuit dealing with the same facts as this action, use this format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): **Louise K. Nolley**

Defendant(s): \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county): **U.S District Court**  
**The Western District of New York 14202**

3. Docket or Index Number: \_\_\_\_\_

4. Name of Judge to whom case was assigned: **Honorable John Curtin**

The County Of Erie  
10 Delaware Avenue  
Buffalo, New York 14202  
sued in their official and unofficial capacity

The City of Buffalo  
74 Franklin Street  
Buffalo New York 14202

Frank Sedita  
Erie County District Attorney  
Individual and Official Capacity  
25 Delaware Avenue  
Buffalo, New York 14202

Daniel Durenea  
Commissioner Of Police  
Individual and Official Capacity  
74 Franklin Street  
Buffalo, New York 14202

Byron Brown  
Mayor Of Buffalo  
Individual and Official Capacity  
City Hall  
Buffalo, New York 14202

Jimmie LArke III  
Buffalo Police Officer  
Individual and Official Capacity  
669 Hertel Avenue  
Buffalo, New York 14214

Dustin Johnson  
Buffalo Police Officer  
Individual and Official Capacity  
669 Hertel Avenue  
Buffalo, New York 14214

Margret Lawson  
Buffalo Police Officer  
Individual and Official Capacity  
669 Hertle Avenue  
Buffalo, New York 14214

The Attorney General  
Individual and Official Cacity  
120 Broadway  
New York, New York 10271

*Sgt. Franklin  
Individual and Official Capacity  
40 DELAWARE AVE,  
BUFFALO, N.Y. 14202.*

Lt. Robert Rosenswie  
Buffalo Police Officer  
Individual and Official Capacity  
74 Franklin Street  
Buffalo, New York 14202

Sandra Brown  
Buffalo, Police Officer  
Individual and Official Capacity  
Buffalo, New York 14202

Detective LArkin  
Buffalo Police Officer  
Individual and Official Capacity  
74 Franklin Street  
Buffalo, New York 14202

Honorable D'Amico  
County Court Justice  
Individual Capacity  
County Court House  
Buffalo, New York 14202

Honorable Keane  
Buffalo City Court Justice  
Individual and Official Capacity  
Buffalo City Court  
50 Delaware Avenue  
Buffalo, New York 14202

Deputy D. Miller  
Individual and Official Capacity  
40 Delaware Avenue  
Buffalo, New York 14202

Jonn and Jane Does  
Individual and Official Capacity  
and all agents working in concert  
with any agencies named in this  
Complaint.

Kathy McLaughlin  
Individual and Official Capacity  
40 Delaware Avenue  
Buffalo

Deputy Stevens  
Individual and Official Capacity  
40 Delaware Avenue  
Buffalo New York 14202

5. The approximate date the action was filed: 1988/89

6. What was the disposition of the case?

Is it still pending? Yes ☐ No ☐

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check the statements which apply):

☐ Dismissed (check the box which indicates why it was dismissed):

☐ By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;

☐ By court for failure to exhaust administrative remedies;

☐ By court for failure to prosecute, pay filing fee or otherwise respond to a court order;

☐ By court due to your voluntary withdrawal of claim;

☐ Judgment upon motion or after trial entered for

☒ plaintiff

☐ defendant.

B. Have you begun any other lawsuits in federal court which relate to your imprisonment?

Yes ☒ No ☐

If Yes, complete the next section. NOTE: *If you have brought more than one other lawsuit dealing with your imprisonment, use this same format to describe the other action(s) on another sheet of paper.*

1. Name(s) of the parties to this other lawsuit:

Plaintiff(s): NOLLEY

Defendant(s): The County of Erie

2. District Court: U.S. District Court for the Western District of New York 14202

3. Docket Number: \_\_\_\_\_

4. Name of District or Magistrate Judge to whom case was assigned: Magistrate Scott

5. The approximate date the action was filed: \_\_\_\_\_

6. What was the disposition of the case?

Is it still pending? Yes ☐ No ☐

If not, give the approximate date it was resolved. \_\_\_\_\_

Disposition (check the statements which apply):

       Dismissed (check the box which indicates why it was dismissed):

- By court *sua sponte* as frivolous, malicious or for failing to state a claim upon which relief can be granted;
- By court for failure to exhaust administrative remedies;
- By court for failure to prosecute, pay filing fee or otherwise respond to a court order;
- By court due to your voluntary withdrawal of claim;

       Judgment upon motion or after trial entered for

- X   plaintiff
- defendant.

### **5. STATEMENT OF CLAIM**

For your information, the following is a list of some of the most frequently raised grounds for relief in proceedings under 42 U.S.C. § 1983. (This list does not include **all** possible claims.)

- |                    |                        |                               |
|--------------------|------------------------|-------------------------------|
| • Religion         | • Access to the Courts | • Search & Seizure            |
| • Free Speech      | • False Arrest         | • Malicious Prosecution       |
| • Due Process      | • Excessive Force      | • Denial of Medical Treatment |
| • Equal Protection | • Failure to Protect   | • Right to Counsel            |

**Please note** that it is not enough to just list the ground(s) for your action. You **must** include a statement of the facts which you believe support each of your claims. In other words, tell the story of what happened to you but do not use legal jargon.

**Fed.R.Civ.P. 8(a)** states that a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." "The function of pleadings under the Federal Rules is to give fair notice of the claim asserted. Fair notice is that which will enable the adverse party to answer and prepare for trial, allow the application of res judicata, and identify the nature of the case so it may be assigned the proper form of trial." Simmons v. Abruzzo, 49 F.3d 83, 86 (2d Cir. 1995).

**Fed.R.Civ.P. 10(b)** states that "[a]ll averments of claim ... shall be made in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a single set of circumstances."

### **Exhaustion of Administrative Remedies**

Note that according to 42 U.S.C. § 1997e(a), "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

You must provide information about the extent of your efforts to grieve, appeal, or otherwise exhaust your administrative remedies, and you must attach copies of any decisions or other documents which indicate that you have exhausted your remedies for each claim you assert in this action.

**A. FIRST CLAIM:** On (date of the incident) May 21, 2013,  
defendant (give the name and position held of each defendant involved in this incident) see attachment

did the following to me (briefly state what each defendant named above did): \_\_\_\_\_

The constitutional basis for this claim under 42 U.S.C. § 1983 is: \_\_\_\_\_

The relief I am seeking for this claim is (briefly state the relief sought): \_\_\_\_\_

**Exhaustion of Your Administrative Remedies for this Claim:**

Did you grieve or appeal this claim? X Yes \_\_\_\_\_ No If yes, what was the result? \_\_\_\_\_

Did you appeal that decision? X Yes \_\_\_\_\_ No If yes, what was the result? \_\_\_\_\_

*Attach copies of any documents that indicate that you have exhausted this claim.*

If you did not exhaust your administrative remedies, state why you did not do so: The plaintiff has attached  
all of the remedies she exhausted.

**A. SECOND CLAIM:** On (date of the incident) See atachment  
defendant (give the name and position held of each defendant involved in this incident) \_\_\_\_\_

did the following to me (briefly state what each defendant named above did): \_\_\_\_\_

**See Attachment**

The constitutional basis for this claim under 42 U.S.C. § 1983 is: \_\_\_\_\_

The relief I am seeking for this claim is (briefly state the relief sought): \_\_\_\_\_

**Exhaustion of Your Administrative Remedies for this Claim:**

Did you grieve or appeal this claim? ☒ Yes ☐ No If yes, what was the result? \_\_\_\_\_

Did you appeal that decision? ☒ Yes ☐ No If yes, what was the result? **Plaintiff has attached Document with Complaint**

*Attach copies of any documents that indicate that you have exhausted this claim.*

If you did not exhaust your administrative remedies, state why you did not do so: \_\_\_\_\_

**If you have additional claims, use the above format and set them out on additional sheets of paper.**

**6. RELIEF SOUGHT**

*Summarize the relief requested by you in each statement of claim above.*

**See attachments**

Do you want a jury trial? Yes ☒ No ☐



**I declare under penalty of perjury that the foregoing is true and correct.**

Executed on \_\_\_\_\_  
(date)

**NOTE:** *Each plaintiff must sign this complaint and must also sign all subsequent papers filed with the Court.*

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature(s) of Plaintiff(s)

Claim 1

Employees of the County of Erie has violated the Constitutional Rights of Nolley and the County Executives are trying to cover-up this issue. Commissioner of Police and the District Attorney has denied me access to the Courts. The District Attorney refused to allow Nolley to file Criminal Charges against two Buffalo Police Officers who sexually assaulted Nolley at Central Booking, 121 W. Eagle Street, Buffalo New York 14202. On May 24, 2013, Nolley was arrested by Buffalo Police Officer, Dustin Johnson and Jimmie Harkin. I was taken to Central Booking by both Police Officers. When we arrived one of the two officers left and the second remained with me. The charges were put into a computer and I was taken to the rear of the garage. The male Police Officer escorted me to this area. (I am not sure about the two male Police Officers however I can't put the face to the names). There were two female Buffalo Police Officers ~~were~~ in this area. I was told to undress. A curtain was pulled across the room. The male deputy went behind the curtain. I began to undress as instructed. Once naked the female Officer told me to turn and face the wall and spread my legs. The female officer then instructed to

place my feet outside of a rectangle box on the floor. I did this. I am still facing the wall.

All of a sudden the officers rushed me, pinning me against the wall with their shoulders, entwining their legs with mine. All of a sudden my buttocks cheeks were spread and one of the two female stuck their finger into my butt and vagina. I was then told to get dress. I did and then I was patted down, finger printed and photo taken. The male deputy came from behind the curtain. I advised the female officers that they would be hearing from me because they violated my rights when they touched my private area. They began calling me Diaper wearing bitches and told me to get out. Do to medical problems I have to wear adult protective garments. The male officer escorted me out to the car and took me to Erie County Holding Center.

THE CONSTITUTIONAL BASIS FOR THIS CLAIM UNDER 42 U.S.C. SECTION 1983 IS: I WAS NOT PROTECTED. MY CONFIDENTIAL RIGHT AND PRIVACY WERE VIOLATED, SEARCH & SEIZURE.

THE RELIEF I AM SEEKING FOR THIS CLAIM IS: I WANT THE COUNTY OF ERIE TO GIVE THE PLAINTIFF SOME PROPERTY AND LAND TO CONSTRUCT A FACILITY FOR FEDERAL AND STATE PRISONERS TO BE RELEASED

3.

ONE YEAR before before their RELEASE date as a SECOND stage to Prison. The Plaintiff is REQUESTED is a building and land in Alden, New York. I am speaking about the old Rehabilitation Facility Brehlin.

Claim #2

ON May 21, 2013, The City of Buffalo's employees placed Nolley into danger, and REFUSES to RECOGNIZE it. Lt. Robert ROSENWIE, Detective Harkin, and Daniel Durenea. Nolley turned to Professional Standards, The District Attorney, the Mayor for help. NO ONE assisted Nolley. A copy of all of the letter with RESPONSES ARE attached to this complaint.

The Constitutional basis for this claim under 42 USC § 1983 is: The City of Buffalo's Police Department fail to protect while in their custody; I WAS NOT AFFORD Equal Protection, Search and SEIZURE rights were Violated.

The RELIEF I am SEEKING for this claim is: That The City of Buffalo Pay the REPLENISH Necessary to develop the property and land including but not limited to the cost of Building materials blue prints, a financial Advisor, construction, WORKER, INTERIOR necessities ect; IN THE AMOUNT of \$ 200,000.00.

4

Claim #3

On May 21, 2013, Nolley's right to confidentiality was violated by Honorable Judge Keane, when he ask Nolley in open court "aren't you the lady who's sick?" Nolley's medical condition had ~~nothing~~ anything to do with the reason Nolley was in Buffalo City Court.

Again, on ~~May~~ May 21, 2013, Nolley's right to confidentiality and right to privacy by The City of Buffalo's Police. Documented on the Buffalo Police Labeled on the Buffalo Police arrest / Booking Report, has "Caution Indicator: CONTAGIOUS DISEASE."

The Constitutional basis for this claim under 42 U.S.C. § 1983 is: Nolley's constitutional rights to privacy and confidentiality were violated by city employees.

The relief I am seeking for this claim is: That the City of Buffalo pay for the expenses needed to renovate, construct, and wages beginning with \$183,000.00 but not limited to this amount.

Claim #4

On or about June 1, 2013, Nolley wrote a letter to District Attorney, Frank Sedita III, advising him of the sexual assault and sodomizing



5.

by the two Buffalo Police Officers at Central booking. Nolley told the District Attorney she wished to file criminal charges against the two officers. The District Attorney replied stating his office does not conduct investigations alleged in my letters.

On or about June 5, 2013, Nolley was visited by Lt. Rosenswie and Larkin (female partner) came to the Erie County Holding Center to record Nolley's statement. Both advised Nolley they would return to see her. Neither of the two returned. However, Nolley did receive two letters from Lt. Rosenswie. Both are attached to this complaint.

On various days Nolley wrote letter after letter to Agency's, executives and legal firms seeking assistance to file criminal charges against the BPD who violated her. County and City officials refused to assist the Plaintiff. The Attorney General, The Governor, The Mayor of Buffalo, The Commissioner of Police, The Division of Justice Services, The City of Buffalo Commission of Citizens Rights & Community Relations. Every single one could not help me or would not assist me.

The constitutional basis for this claim under 42 U.S.C. § 1983 is: Nolley was not afforded

her right to due process, access to the courts, equal protection, failure to protect, illegal search and SEIZURE.

THE RELIEF I AM SEEKING FOR THIS CLAIM IS: FOR FRANK Sedita, pay Nolley \$10,000.00 in punitive damages FOR NOT ASSISTING Nolley to file criminal charges against the Buffalo Police Officers. IN REGARDS TO THE OTHER PEOPLE MENTIONED IN THIS CLAIM, Nolley SEEKS A TOTAL OF \$80,000.00 TO GO TOWARD THE PROGRAM WHICH WILL BE PRESENTED IN THE NEAR FUTURE.

claim #5

ON OR ABOUT JUNE 28, 2013, HONORABLE D'AMICO, SET A \$50,000.00 bail ON Nolley. I WAS REPRESENTED BY ATTORNEY KIM PAUL. MS PAUL, CAME TO THE HOLDING AREA OF COUNTY COURT TO ADVISE Nolley OF HER SPEAKING TO THE DISTRICT ATTORNEY AND TO HONORABLE D'AMICO. JUDGE D'AMICO, SHE SAID, FEELS LIKE HE ~~LOVE~~ REMEMBERS Nolley FROM SOME PRIOR MATTER. Nolley, WAS CHARGED WITH POSSESSION OF STOLEN PROPERTY, PETIT LARCENY AND GRAND LARCENY. THERE WAS A \$300.00 PURCHASE. THIS DOES NOT CALL FOR SUCH A HIGH BAIL TO BE SET ON Nolley.

THE CONSTITUTIONAL BASIS FOR THIS CLAIM UNDER 42 U.S.C. § 1983, IS THE BAIL IS EXCESSIVE, HONORABLE D'AMICO SHOWED PREJUDICE AND WAS BIAS.

7

THE RELIEF I AM SEEKING FOR THIS CLAIM IS:  
 \$60,000.00 dollars FOR VIOLATION OF Nolley's personal  
 CONSTITUTION RIGHTS; \$10,000.00 to be given TO Nolley,  
 out of Honorable D'Amico's personal EARNINGS  
 STOCK, BONDS, INVESTMENTS, BANK ACCOUNTS, SAVINGS  
 OR ANY OTHER INCOME Hon. D'Amico. MAY RECEIVE.  
 THE OTHER \$50,000.00 WILL BE ADDED TO THE FUNDS  
 TO BUILD AND IMPROVE PROPERTY GIVEN BY THE  
 County of Erie, and City of Buffalo.

claim #6

ON OR ABOUT July 28, 2013, Deputy D. Miller,  
 WORKED THE BRAVO SEG UNIT at E.C.H.C. ON  
 THIS DAY Deputy Miller, Told the men ON the  
 UNIT THAT HOUSE Nolley # A-SEG 36- HAS  
 AIDS. Mr. Miller, had WORKED this UNIT (THE  
 WOMEN A-SEG UNIT) ON OR ABOUT July 27, 13.  
 Nolley and Miller, had GOTTEN IN A CONFRONTATION  
 BECAUSE Nolley, submitted 4 REQUEST SLIPS  
 TO Miller to sign and turn in. Rep. Miller, REFUSED  
 TO SIGN THE REQUEST SLIPS AND REFUSED TO  
 RETURN THEM TO Nolley. THE SLIPS WERE IN  
 REFERENCE TO Nolley's MEDICAL CONDITION.

THE CONSTITUTIONAL BASIS FOR THIS CLAIM UNDER  
 42 B.S.C. § 1983 IS, Deputy Miller VIOLATED Nolley's  
 RIGHT TO CONFIDENTIALITY, VIOLATED Nolley's HIPAA  
 RIGHT AND RIGHT TO PRIVACY.



8.

THE RELIEF I AM SEEKING IN THIS CLAIM IS :  
 \$40,000.00. \$10,000.00 OF THIS DOLLARS WILL GO  
 TO NOLLEY FOR PERSONAL INJURYS. THE OTHER  
 \$30,000.00, WILL GO INTO FUNDS TO HELP WITH THE  
 IMPROVEMENTS TO THE PROPERTY AND LAND  
 FROM THE COUNTY OF ERIE.

claim #7

ON OR ABOUT AUGUST 4, 2013, AND AUGUST 15, 13.  
 DEPUTY KATHY McLAUGHLIN, WROTE FALSE DISCIPLINARY  
 REPORTS AGAINST NOLLEY. NOLLEY AND McLAUGHLIN,  
 HAVE A PAST HISTORY AT ECHC. McLAUGHLIN, WORKED  
 THE TEENAGE BLOCK. EVERYDAY, McLAUGHLIN,  
 MADE A MISTAKE AND THE TEENS WOULD JUMP  
 ANOTHER INMATE BECAUSE McLAUGHLIN DIDNOT  
 LIKE THE INMATE. NOLLEY REPORTED THIS ON SEVERAL  
 OCCASSIONS. SHE ACTED LIKE A GANG LEADER.  
 McLAUGHLIN IS ALSO KNOWN TO TAMPER WITH  
 INMATES FOOD. SHE HAS SPIT INTO INMATES FOOD,  
 SHAKES THE FOOD UP SO EVERYTHING IS TOGETHER  
 OR PUSHES THE FOOD INTO THE SLOTS IN THE GATE SO  
 HARD IT GOES ONTO THE FLOOR.

THE CONSTITUTIONAL BASIS FOR THIS CLAIM  
 UNDER 42 U.S.C. § 1983 IS: McLAUGHLIN VIOLATED  
 THE PLAINTIFFS RIGHT BY WRITING ~~FALSE~~ FALSE  
 REPORTS MALICIOUSLY AND HAVING BEEN SIGN A  
 SWORN UNDER THE PENALTY OF PERJURY. THAT HER  
 ALLEGATIONS WERE TRUE. THE RELIEF SOUGHT IS \$20,000.00  
 TO BE PUNITIVE DAMAGES.

9.

Claim #8

ON SEVERAL OCCASSIONS Nolley has submitted grievances TO THE GRIEVANCE COORDINATOR. Nolley, submitted a grievance ON August 8, 2013, filed a grievance against Deputy Miller. A copy of the grievances ARE attached to this. Complaint. Sgt Franklin, altered Nolley's GRIEVANCE. He fixed dates and times ON the grievance, TO make Nolley, believe the grievance WENT TO the Citizens Policy and Complaint Review Council. Sgt Franklin, fixed a Certified Mail Sticker to the grievance. THE RECEIT WAS NOT STAMPED, NOR THE POSTAGE OR CERTIFIED FEE ON THE FILE DOCUMENT. THE LETTER WAS NOT signed by Sgt. Franklin and Nolley, has felt negativity FROM Sgt. Franklin and the grievance program at ECHC. THERE WERE times when Sgt. Franklin WAS VERY aggressive and actually rude. A copy of the grievance is attached to this complaint. Additionally Nolley has wrote the State Commission of Corrections PERTAINING to the grievance Program at Erie County Holding Center.

THE CONSTITUTIONAL basis for this claim UNDER 42 U.S.C. § 1983 is: DUE PROCESS WAS NOT afforded TO Nolley, Sgt. Franklin did NOT properly follow THE policy and procedure OF THE grievance Program and his action was malicious.

Page 8 -- Kathy McLaughlin.

THE RELIEF I AM SEEKING IN THIS CLAIM IS: \$10,000.00 ON each disciplinary Report against Nolley, To be paid OUT OF HER PERSONAL EARNINGS, STOCKS, BONDS, REALTY, INVESTMENTS, TRUST FUNDS, BANK ACCOUNTS OR ANY OTHER INCOME RECEIVED.

Pg 10 - Sgt FRANKLIN

THE RELIEF I AM SEEKING IN THIS CLAIM IS: It is evident that Sgt FRANKLIN, does NOT KNOW THE GRIEVANCE PROGRAM PROCEDURES. Therefore, Nolley suggest Sgt. FRANKLIN, Showdown someone who has experience with the Rules and REGULATIONS OF THE program and that a GRIEVANCE committee be composed which will include an ~~IN~~ INMATE.

Additionally, Sgt FRANKLIN pay punitive damages to Nolley FOR violating Nolley's rights. For the GRIEVANCE #13-G-083, Nolley is seeking \$20,000.00 punitive damages to be paid OUT OF his PERSONAL EARNINGS, STOCKS, BONDS, REALTY, INVESTMENTS, TRUST FUNDS, BANK ACCOUNTS OR ANY OTHER MEANS OF INCOME RECEIVED.

claim # 9

ON SEVERAL OCCASSIONS Nolley was forced to Lock IN AN UNSAFE AND mentally abusive area while at ECHC. ON OR about July 20, 2013, while ON the Alpha SEG unit Nolley was forced to put up with other inmates who was KNOWN TO have mental problems, had violent outbursts and had become physical with other inmates and allegedly Deputy's. Jolene Hill, had a medical problem that made her swallow objects. On this occassion, Hill, had told Nolley of her intentions to swallow a razor. Nolley, reported this to Deputy Stevens. I guess Stevens, reported the threat to her supervisors. The following morning inmate Hill requested a razor and the unit deputy told her NO. Hill, began yelling. She asked deputy Stevens, why she just come to her? Deputy Stevens was standing outside of the bars and whispered to Nolley "Why did you tell her she you told ME." Hill, began calling Nolley, Rats and Snitches. Nolley remained calm sitting at the back table writing. Sergeant Dee, one of the medical department nurses, and deputy Stevens was on the Alpha Seg Unit at this time. Nolley told the SERGEANT she wouldn't let anyone hurt her. Hill began saying she's going to bite ME and she has AIDS. I said I will do what

11:

whatever necessary to defend myself. Sgt. Dee wanted Nolley to move on the other side of the unit but Nolley did not want to move. Instead Nolley was placed into Administrative Segregation by Sgt. Franklin, Lt. Botello and Sgt Dee. This meant Nolley was in her cell for 23 hours daily.

The constitutional basis for this claim under 42 U.S.A. § 1983 is: Nolley was treated in this manner by the same Respondents in 1988/89. There was no Equal Protection was given to Nolley, and the procedure for placing an inmate into Administrative Segregation was not followed.

The relief I am seeking in this claim is: individuals with mental problems be placed into facilities that can get the treatment needed instead of constant watch and one on one by deputy's that are short and over worked and forced to work 16 hours or more. There is over crowding in Erie County Holding Center and Erie County Correctional Facility. Some of the pressure would relieve a lot of the pressure at both facilities.



12.

Claim #10

Deputy Stevens, violated the plaintiff's Right when on July 20, 2013, Deputy Stevens, Told two inmates on the Seg Unit, To put "keep away status" on Nolley, with malicious intentions and ~~to~~ Vengeance.

The constitutional basis for the claim under 42 USA § 1983 is: Deputy Stevens encouraged other inmates to lie. Nolley feels that this was malicious and beyond her scope of duties. Stevens displayed Vengeance.

The relief I am seeking for this claim is: Stevens should pay out of her personal earnings Bank accounts, stock, Bonds, Real Estate, Investments Trust funds or any other means of income, \$12,000.00. \$10,000.00 of this will go towards the building fund for renovation of the property and land to be given by the County of Erie. \$2,000.00 will be given to Nolley for punitive damages do to the constitutional violations inflicted by Deputy McLaughlin malicious and illegal tactics.

Claim 11

Nolley, includes all John and Jane Doe(s) who's names are not known but has anything to do with the violations of the plaintiff's rights. State or Federal; County and City.



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

HON. THOMAS A. KLONICK, CHAIR  
HON. TERRY JANE RUDERMAN, VICE CHAIR  
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ADMINISTRATOR & COUNSEL  
  
JOHN J. POSTEL  
DEPUTY ADMINISTRATOR  
  
M. KATHLEEN MARTIN  
DAVID M. DUGUAY  
SENIOR ATTORNEYS  
  
STEPHANIE A. FIX  
STAFF ATTORNEY

**CONFIDENTIAL**

~~June 3, 2013~~

Ms. Louise Nolley  
ICN # 3565  
Erie County Holding Center  
40 Delaware Avenue  
Buffalo, New York 14202-3999

Re: File No. 2013/R-0187

Dear Ms. Nolley:

This is to acknowledge receipt by the State Commission on Judicial Conduct of your complaint dated May 30, 2013.

Your complaint will be presented to the Commission, which will decide whether or not to inquire into it. We will contact you after the Commission has reviewed the matter.

For your information, we have enclosed some background material about the Commission, its jurisdiction and its limitations.

Very truly yours,

Kathryn Trapani  
Assistant Administrative Officer

Enclosure



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

HON. THOMAS A. KLONICK, CHAIR  
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SENIOR ATTORNEYS  
STEPHANIE A. FIX  
STAFF ATTORNEY

**CONFIDENTIAL**

June 5, 2013

Ms. Louise Nolley  
Erie County Holding Center, ICN#3565  
40 Delaware Avenue  
Buffalo, New York 14202-3999

Re: File No.: 2013/R-0187

Dear Ms. Nolley:

The Commission would like to speak with you regarding a confidential matter.

Please call the undersigned Monday through Friday between the hours of 9:00 A.M. and 5:00 P.M., at the above noted telephone number.

Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in cursive script, reading "Stephanie A. Fix", is written over the typed name.

Stephanie A. Fix  
Staff Attorney



~~FROM~~ FRANK A SEDITA, III  
DISTRICT ATTORNEY  
25 DELAWARE AVENUE  
Buffalo, N.Y. 14202

June 10, 2013  
1st, 2013

To whom it may concern,

My name is Louise K. Nolley. I am presently detained at Erie County Holding Center, 40 Delaware Avenue, Buffalo, New York 14202. I am contacting you at this time because I am having a very hard time filing criminal charges against two Buffalo Police workers while in the custody of The Buffalo Police.

On May 21, 2013, I was taken into custody by the D District Police. I was taken to Central Booking, 121 W. Eagle Street, Buffalo, New York, 14202. There were two male Bufffalo Police Officers who transported me. Once I signed the necessary paper work, I was escorted to the rear of the garage where the finger imaging machine and mug shots are taken. One male officer remained in the area. The second I do not know where he went. There was a curtain pulled across the wall and the male police officer stood behind the curtain. I was told to strip and I did without problem. There was a rectangular design on the floor which I was standing in. The Officer ordered me to turn and face the wall. I am naked at this time. I was ordered to place my hands on the wall, put my feet on the outer line of the rectangular box (lenth)wise) and I followed their instructions. All of a sudden the two female officers rushed me. I was pinned against the wall, my legs being held with their legs, their sholders pinned me against the wall and the officer put her hand into my behind and into my vagina. I did not fight these ladies because I knew they had the the upper hand and I just wanted to get out of the area. After the search I quickly dressed. Once dresssed and finger printed and photos taken I advised the officers that they had violated my Constitutional Rights by touching me in my private parts and I was going to report her. The lady began calling me diaper wearing bitches ( I wear adult briefs do to medical problems.)

Since this time I have contacted the District Attorney Office. I am

including a copy of the respond I received from his office. I have contacted the Commissioner of Police at 74 Franklin street, Buffalo, New York 14202. I contacted Professional Standards, 134 W. Eagle Street, Buffalo, New York, there were two investigators that came to the facility to get my statement . They recorded my statement. I do not recall the male investigators name how ever, The females name was Ms. Larkin.

I have told everyone I want to file criminal charges against these officers. The investigators told me the women are not Buffalo Police Officers. Perhaps not, however, I was in the custody of the Buffalo and feel that they are just as responsible as the ladies. I was sexually assaulted and sodomized by these individuals. Let me also advise you that I am not the only lady this happened to. There are 5-10 ladies that were also violated. I gave their names to the investigators.

I am not going to allow this matter to go unknown. I want to press charges just as charges are pressed against me when I am wrong. Why the District Attorney cannot assist me in my endeavor to file criminal charges is beyond me. I thought his job is to represent vitims. I am a victim . I want to be taken to file charges against these women.

I thank you in advance for your time and your assistance. I would appreciate a letter advising me of your receiving my letter. Legal mail sometimes comes up missing in the facility. Once again I thank you.

Respectfully submitted,

*Louise K. Nolley*  
Louise K. Nolley

40 Delaware Avenue

Buffalo, New York 14202



OFFICE OF THE ERIE COUNTY DISTRICT ATTORNEY

FRANK A. SEDITA, III  
DISTRICT ATTORNEY

June 7, 2013


LOUISE NOLLEY, ICN# 0003565  
ERIE COUNTY HOLDING CENTER  
40 DELAWARE AVENUE  
BUFFALO, NY 14202

Dear Ms. Nolley:

This office is in receipt of your letter dated June 1, 2013 and received on June 5, 2013. Please be advised that this office does not conduct investigations concerning the allegations outlined in your letter. Please contact your local police agency or you may choose to utilize remedies available to you through the Department of Correctional Services or other relevant state agencies.

Very truly yours,

FRANK A. SEDITA, III  
DISTRICT ATTORNEY

  
By: DONNA A. MILLING  
Assistant District Attorney  
Chief, Appeals Bureau

DAM/sc



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

DIVISION OF CRIMINAL JUSTICE  
PUBLIC INTEGRITY BUREAU

July 11, 2013

ICN #3565  
Ms. Louise Nolley  
Erie County Holding Center  
40 Delaware Avenue  
Buffalo, New York 14202

RE: Complaint # 13-1220

Dear Ms. Nolley:

On behalf of Attorney General Eric T. Schneiderman, I thank you for the information you provided to our office dated June 21, 2013.

The Public Integrity Bureau has carefully reviewed your correspondence and has determined that your complaint does not warrant action by this office at this time.

Please be advised that this Office does not provide legal opinions nor represent individuals. If you believe that you may have an individual claim, you may wish to consult a private attorney. Your local bar association provides attorney referrals. **Please note: The complaint you have filed with this Office has no effect on any statute of limitations filing deadlines that might apply to your claim.** By filing a complaint with this Office, you have not initiated a lawsuit or a proceeding, nor has this Office initiated a lawsuit or a proceeding on your behalf.

Thank you again for bringing this matter to our attention.

Very truly yours,

Public Integrity Bureau



STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL

ERIC T. SCHNEIDERMAN  
ATTORNEY GENERAL

DIVISION OF CRIMINAL JUSTICE  
CRIMINAL PROSECUTIONS BUREAU

July 12, 2013

Louise K. Nolley, ICN# 0003565  
Erie County Holding Center  
40 Delaware Avenue  
Buffalo, NY 14202

RE: Complaint # 1122070

Dear Ms. Nolley:

Thank you for bringing the above-referenced matter to our attention.

Your complaint has been carefully reviewed by the appropriate members of our staff. We have determined that our Office is unable to take any action concerning the issues you have raised. As such, our file concerning this matter has been closed.

Please be advised that this Office does not provide legal opinions nor represent individuals. You may wish to consult a private attorney about legal options that may be available to you. Your local bar association can help you in identifying an attorney who can assist you in this matter. ***Please note, the complaint you have filed with this Office has no effect on any statute of limitations filing deadlines that might apply to your claim.*** By filing a complaint with this Office, you have not initiated a lawsuit or a proceeding, nor has this Office initiated a lawsuit or a proceeding on your behalf.

We appreciate your bringing this matter to our attention.

Very truly yours,

A handwritten signature in black ink, appearing to read "Eric T. Schneiderman", written over a horizontal line.

New York State Attorney General's Office

Commission on Judicial Conduct  
400 Andrews Street, Suite 700  
Rochester, New York 14604

June 28, 2013

To whom it may concern,

My name is Louise K. Nolley. I am presently detained at Erie County Holding Center, 40 Delaware Avenue, Buffalo, N.Y. 14202. I am contacting you at this time to advise you of my rights being violated by Hon. D'Amico.

I feel Honorable D'Amico, has a conflict of ~~interest~~ INTEREST, is bias and prejudice. Today I went to county court for a bail hearing. Honorable D'Amico, set my bail at \$50,000.00 cash or bond on a white collar crime. That's amount of money is a ransom. I live on social security benefits, Food stamps and can collecting. I've never had a violent crime and the felony's on my records are well over 20 years old.

Just before the bail hearing my attorney came to speak to me and advised me that my bail was gonna be set high. When asked how high she said ridiculously high. My fate had already been determined. I had 9 NO shows in 40 years.

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Let me tell you what I think. I truly believe in my heart that the court is playing tag team. The court is angry that I won 4 civil suits against the County of Erie. I believe that Judges McLeod, Judge D'Amico and Judge Klein, have been in touch with one another and think they are punishing me. At the end of the day they are only harming themselves. I'm not giving in. But, making calls to one another and asking favors ~~to~~ such as give her a bail she can't make; or being in a conspiring team to punish someone for no apparent reason is not very professional, or apart of a Judges oath.

I am amazed of using someones credit card, purchasing approximately \$70.00. A white collar crime. Murders are walking the streets, out on bail that is much less as mine. Even the District Attorney's office has joined in on the fun. I was in protective custody for almost 8 months because I did the right thing. I called and got in touch with the Homicide Detectives, gave them evidence and made written statements. I went against my family because I knew it was the right thing to do. Someones mother was out there burying their child and no ones mother should have to bury their child. I NEVER asked



for a crying dime, it is my civic duty. I did however think that some of what I've humbly done would be taken into consideration. I got myself into a small jam and now I deserve life. That's not justice.

I don't know who else to go to with this problem. I'll just continue writing until someone listens. I'm going to continue to exercise my rights and I'm going to continue to pray for Judge's D'Amico, Judge McLeod and Judge Keane. I haven't done anything to any of these people, including the District Attorney. They forced me when I was cooperating and assisting them to convict a murder. You can verify this by contacting Sharon Simon, (ADA) detective Pat Judge and Detective Mario.

I had my run in's in court with McLeod a few years back. He was the County Attorney and I had a case with a landlord who set my property out on the curb illegally. I appealed McLeod's decision. The matter was then turned over to Hon. D'Amico. I don't believe it's coincidental. It's bad principles.

I've changed my life drastically. No one will ever take away my self-esteem. I'm going to continue to grow and work on myself. I'm also going to find someone who



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will listen to my pleas for help. I was attending school at Bryant & Stratton College. I had a 3.0 average. I only missed 4 days of school in 4 semesters. I am also a spokes model for HIV stops with me. I have been positive for 28 years. There are posters of me all around Buffalo. On the side of the Metro bus, on the bus shelters and store fronts. There is absolutely no reason that I should have a \$50,000.00 bail.

I thank you in advance for your time and assistance. I hope you thoroughly check into this matter. Please advise me of your receiving my correspondence.

Respectfully Submitted  
Jaune K. Mallory 3565  
40 DELAWARE AVENUE (SEG 34)  
Buffalo, New York 14202



NEW YORK STATE  
COMMISSION ON JUDICIAL CONDUCT

HON. THOMAS A. KLONICK, CHAIR  
HON. TERRY JANE RUDERMAN, VICE CHAIR  
HON. ROLANDO T. ACOSTA  
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SENIOR ATTORNEYS  
STEPHANIE A. FIX  
STAFF ATTORNEY

**CONFIDENTIAL**

July 3, 2013

Ms. Louise K. Nolley  
Erie County Holding Center  
40 Delaware Avenue  
Buffalo, New York 14202-3999

Re: File No. 2013/R-0239

Dear Ms. Nolley:

This is to acknowledge receipt by the State Commission on Judicial Conduct of your complaint dated June 28, 2013.

Your complaint will be presented to the Commission, which will decide whether or not to inquire into it. We will contact you after the Commission has reviewed the matter.

For your information, we have enclosed some background material about the Commission, its jurisdiction, and its limitations.

Very truly yours,

A handwritten signature in black ink, appearing to read "K Trapani", is written over a horizontal line.

Kathryn Trapani  
Assistant Administrative Officer

Enclosure

ASSIGNED COUNSEL PROGRAM  
ERIE COUNTY BAR ASSOCIATION  
AID TO INDIGENT PRISONERS SOCIETY, INC.

ROBERT D. LONSKI  
ADMINISTRATOR

CLAUDIA S. SCHULTZ  
DEPUTY ADMINISTRATOR

THE CROSBY BUILDING  
170 FRANKLIN STREET, SUITE 400  
BUFFALO, NY 14202-2412  
(716) 856-8804  
FAX (716) 856-0424

July 3, 2013

Louise Nolley  
#3565  
Erie County Holding Center  
40 Delaware Avenue  
Buffalo, NY 14202

Dear Ms. Nolley:

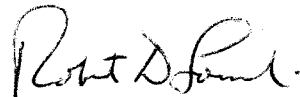
I am writing in response to your letter of June 12, 2013 which you originally sent to the Legal Aid Bureau, and which they forwarded to my office on June 26<sup>th</sup>.

Our office is not able to address the type of issue that you have raised, but I have discussed it with an attorney who is willing to review your letter, with the understanding that by doing so he is not at this time committing to represent you or to take any action on your behalf. The attorney is John Lipsitz, whose office is at 135 Delaware Avenue, 5<sup>th</sup> Floor, Buffalo, NY 14202.

I have taken the liberty of forwarding Mr. Lipsitz a copy of your letter, and expect that he will contact you in due course. 849-0701

Thank you, and I wish you well.

Sincerely,



Robert D. Lonski  
Administrator

RDL:rl  
c: John N. Lipsitz, Esq. w/enc.

Chief Judge  
County Court  
25 Delaware Ave.  
Buffalo, New York 14202

JUNE 28, 2013

Your Honor,

My name is LOUISE K. Nolley. I am presently detained at Erie County Holding Center, 40 Delaware Avenue, Buffalo, New York 14202. I am contacting you at this time to EXPRESS how my constitutional rights ARE BEING VIOLATED by Judge D'Amico, The District Attorneys Office and the Public Defender.

I am charged in county court with the charges of Forgery, petit larceny, Grand larceny. The matter was bound over to county court by Judge ~~Heitz~~ Keane after a felony hearing. This is where all of the animosity started. The public defender told me she was going to waive my felony hearing and I said No. She said they were going to "Try" To keep the matter in city court. I said fine as long as we get the felony dropped to an "A" misdemeanor right then. She said she couldn't so I wanted my felony hearing. I asked that the public defender be taken

office be taken off my case and they were. I was assigned Kim Paul to represent me. I am satisfied with her. What I want to say to you is I feel I am being discriminated against. My attorney came to speak with me just before a bail hearing. She advised me that I was going to get a ridiculously high bail because the Judge feels he knew me (he thought) from some other case. In Buffalo City Court Judge Keane, asked me in open court aren't you the lady that's sick? In 1988/89 I won a case against Erie County because I have AIDS and Erie County Violated my rights. This had absolutely nothing to do with my present matter. Honorable D'Amico, set a bail of \$50,000.00 on me. I don't have any violent charges on my record. I have three felonies which are over 20 years old. I have a few petit larceny's (None within a year) I am and have always lived in Buffalo, New York.

I attend Bryant and Stratton College Buffalo Campus and I am a spoke person for HIV STOPS with me. (Hivstopswithme.org) you can go to the website, click on Buffalo Models and you can see my photo (which is on Bill Boards METRO bus shelters, store fronts and magazines.

In addition to all of this Your Honor, last year I spent several months in protective custody (6-8 mo) because I came forward and assisted the District Attorney office with a homicide. One of my grand daughters had gotten involved with a young man named Tyree Chaney. I gave evidence to the detectives. I NEVER asked for anything in return. Your Honor this is not my first time doing what was right. I testified in the "Peoples" behalf against Wendy Summer Smyth and her husband who killed a young man who was mentally retarded.

I am being punished because I chose to exercise my constitutional rights. I'm being held on a \$50,000.00 RANSOME because I haven't done anything which dictate all this money. I am on SSI, I receive \$709.00 monthly I rent an apartment, wash my clothes, pay and bills. I'm struggling to do the very best I can be. My lifestyle has changed tremendously.

This is very unconstitutional. Before the Judge saw me he had already made a decision. Is this Justice? I won't take up much more of your time. I just want to thank you for listening. There's probably nothing you can do. I'm gonna continue to